



STATE OF MARYLAND

**DHMH**

Maryland Department of Health and Mental Hygiene

*Board Of Physical Therapy Examiners*

## **BOARD MEETING MINUTES**

**July 20, 2010**

The July 20, 2010 meeting was called to order at 1:00 p.m. by the  
Chairperson, Shirley Leeper, PTA.

Call to Order

### **Board members present:**

John Baker, PT  
Ved K. Gupta, Consumer Member  
Krystal Lighty, PT  
Lori Mizell, PT, Vice Chairperson  
Donald Novak, PT (arrived at 1:15 p.m.)  
Lois Rosedom-Boyd, Consumer Member

### **Also present:**

Ann E. Tyminski, Executive Director  
Joy E. Aaron, Deputy Director  
Patricia Miller, Licensing Coordinator  
Sandra Kurland, Board Secretary  
Deborah Jackson, Secretary  
Ernest Bures, Investigator/Compliance Officer  
Linda Bethman, AAG, Board Counsel  
Francesca Gibbs, Staff Attorney  
Kristen Neville, Regulations/Legislative Coordinator  
Pallavi Malviya, PT applicant  
Vishal Anand

### **Absent:**

Stephen Ryan, PT  
John Bull, Investigator

Shirley Leeper, PTA, Board Chair, welcomed Krystal Lighty, new board member.  
Ms. Lighty works in acute care at University of Maryland Hospital.  
Ms. Leeper also introduced Kristen Neville, Regulations/Legislation Coordinator  
for 16 Health Occupations Boards and the Kidney Commission

Welcome

The June 15, 2010 Open Session Board minutes were accepted with one correction.

Minutes

The Board reviewed the responsibilities of the Board Members. A list was included in the Board packet. A reminder about returning e-mails promptly was one important additional responsibility mentioned by Ms. Leeper.

Board  
Member  
Duties

Mrs. Tyminski and Ms. Bethman reported on the Web presentation that was offered by the Federation of State Boards of Physical Therapy this morning. The presentation was primarily on how and why the FSBPT arrived at the decision to halt the NPTE testing of foreign educated applicants from Egypt, India, Pakistan and the Philippines because of security issues. After discussion, the Board decided that staff should continue to accept applications from all applicants and to extend the one year expiration of applications from candidates for the NPTE who were educated in those countries. The extension would continue until the FSBPT has another exam ready for those candidates.

FSBPT/  
NPTE

There have been many e-mails from candidates from those countries who have expressed their concerns regarding the decision of FSBPT. Those candidates will be told their applications will be held open until such time as they can sit for the NPTE once they have completed all other requirements for licensure. Ms. Pallavi Malviya and her husband were in attendance for this portion of the meeting.

The Board requested Ann Tyminski and Linda Bethman to draft a letter to FSBPT, addressing the Board's concerns regarding their decision to stop offering the examination to candidates from Egypt, India, Pakistan and the Philippines at this time and to offer to work with FSBPT in finding a resolution to the problem of breaches of security. For those candidates who had e-mailed their concerns, Mrs. Tyminski will draft responses as to what the Board has decided.

Ms. Leeper presented the committee assignments. John Baker, PT, has agreed to study continuing competency and report back to the Board with his findings by the January 2011 meeting..

Committees

Joy Aaron gave a report on the 2010 Audit. She reported that there were 14 second notices, 4 have not responded, and some have sent in more information.

CE Audit

Lydia Ramento-Tipon sent an e-mail asking if prosthetics are in the scope of physical therapy practice. She will be advised that physical therapists can recommend or make these devices so long as they are competent to do so. For her questions about billing, the Board refers her to the insurance companies including Medicare.

Prosthetics/  
Orthotics

Kate Hernandez inquired as to whether she could open a business making orthotics. She also wanted to know if it was ethical to do so, noting she works part time in a physical therapy practice. The Board's response is that she, as a physical therapist competent in making custom orthotics, can do so. However, ~~to be entirely ethical~~ she should have a discussion with her employer about her plans.

Wanda Evans, PT inquired as to whether a nurse case manager can direct physical therapists to limit evaluation time to 30 minutes when good standard of

Evaluations

practice indicates an evaluation would take at least 45 minutes. The Board's response is that the physical therapist is to evaluate the patient to arrive at a physical therapy diagnosis and plan of care and it is the physical therapist's responsibility to direct physical therapy care, including time necessary to perform an appropriate evaluation.

A inquiry from Jan Dommerholt, PT, as to whether PTAs may perform dry needling was reviewed and tabled until such time as the Attorney General issues his opinion on who can perform dry needling.

Dry Needling

After reviewing a letter sent to the Federal Health Care Practitioners Data Bank from FSBPT regarding their under reporting of Physical Therapy Board orders, including those from Maryland, the Board requested that FSBPT share the HIPDB response. If the situation is not corrected, Maryland will be forced to cancel its agreement with FSBPT to be the carrier of such information.

HIPDB

The month-to-date revenue and yearly revenue was presented to the Board. Mrs. Tyminski reminded the Board that they have previously agreed that the renewal fees commencing in 2011 will be \$325 for Physical Therapists and \$300 for Physical Therapist Assistants. This item will be included in the Executive Director's remarks in the summer 2010 newsletter to give licensees adequate time to prepare for the new fee which is allowed under the present regulations.

Revenue

Mrs. Tyminski shared a thank you note received from a reinstatement applicant that stated this Board's staff was so easy and helpful through the process.

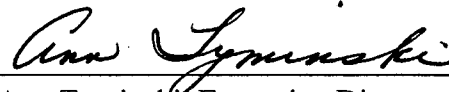
Thank You

The Legislative Committee Meeting was set for Tuesday, August 24<sup>th</sup> at 4 p.m. The Ad Hoc Committee Meeting for implementation of HB 114 and SB 291 will be held on Thursday, September 9 at 2 p.m.

Meetings

The Board unanimously voted to close the open session at 2:25 p.m. for the purpose of engaging in medical review committee deliberations of physical therapists applications in accordance with State Government Article S10-50 8(a) (13).

Respectfully submitted,



Ann Tyminski, Executive Director

August 17, 2010  
Date approved

  
Shirley L. Leeper, PTA, Board Chairperson